

4-09-00312-CR

Cause No. 2006 (CRO00452-D3)TRN NONE

THE STATE OF TEXAS
v.
ARTEMIO GONZALO
LOPEZ, DEFENDANT

§ IN THE 341ST JUDICIAL
§ DISTRICT COURT OF
§ WEBB COUNTY, TEXAS

SID: TX04155217

COPY

JUDGMENT OF CONVICTION BY JURY

SENTENCE BY JURY TO Institutional Division, TDCJ

<u>DATE OF JUDGMENT:</u>	DECEMBER 13, 2007
<u>JUDGE PRESIDING:</u>	ELMA TERESA SALINAS ENDER
<u>ATTORNEY FOR THE STATE:</u>	EDWARD CASTILLO/JESSE GUILLÉN
<u>ATTORNEY FOR THE DEFENDANT:</u>	FAUSTO SOSA
<u>OFFENSE:</u>	ATTEMPTED CAPITAL MURDER
<u>STATUTE FOR OFFENSE:</u>	Article 15.01, 19.03, Section , Penal Code
<u>DEGREE OF OFFENSE:</u>	First Degree Felony
<u>APPLICABLE PUNISHMENT RANGE</u>	
<u>(including enhancements, if any):</u>	First Degree 5-99 yrs or life/max \$10,000 fine
<u>DATE OF OFFENSE:</u>	MAY 11, 2004
<u>CHARGING INSTRUMENT:</u>	Indictment
<u>PLEA TO OFFENSE:</u>	Not Guilty
<u>PLEA TO ENHANCEMENT</u>	True
<u>PARAGRAPH(S):</u>	

And it is further presented in and to said Court that, prior to the commission of the aforesaid offense (hereafter styled the primary offense), on the 6th day of November, 1996 in cause number CR-0386-96-A in the 92nd District Court of Hidalgo County, Texas the defendant was convicted of the felony offense of Aggravated Assault.

And it is further presented in and to said Court that, prior to the commission of the primary offense, and after the conviction in cause number CR-0386-96-A was final, the defendant, committed the felony offense of Capital Murder and was convicted on the 17th day of February, 2006, in cause number CR-2377-05-A in the 92nd District Court of Hidalgo, County, Texas.

<u>VERDICT FOR OFFENSE:</u>	Guilty
<u>FINDING ON ENHANCEMENT:</u>	True
<u>AFFIRMATIVE FINDING ON DEADLY WEAPON:</u>	Yes-deadly weapon used or exhibited
<u>OTHER AFFIRMATIVE SPECIAL FINDINGS:</u>	
<u>DATE SENTENCE IMPOSED:</u>	DECEMBER 13, 2007
<u>PUNISHMENT AND PLACE OF CONFINEMENT:</u>	LIFE years in the Institutional Division-TDCJ, and a \$ 10,000 fine
<u>TIME CREDITED TO SENTENCE:</u>	EIGHTY-SEVEN (87) DAYS CREDIT FOR TIME SERVED
<u>COURT COSTS:</u>	\$318.00
<u>TOTAL AMOUNT OF RESTITUTION:</u>	\$Non Applicable
<u>NAME AND ADDRESS FOR RESTITUTION:</u>	Non Applicable

The **Sex Offender Registration Requirements** under Chapter 62, CCP, **do not apply** to the Defendant. The age of the victim at the time of the offense was **not applicable**.

This sentence shall run **concurrently unless otherwise specified**.

On the date stated above, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney, as stated above, were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **not guilty** and a jury, to wit: **Dino Smith**, and eleven others, was duly selected, impaneled and sworn. Having heard the evidence submitted and having been duly charged by the Court, the jury retired to consider their verdict. Afterward, being brought into open court by the proper officer, the Defendant, the Defendant's attorney, and the State's attorney being present, and being asked if the jury had agreed upon a verdict, the jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the Minutes of the Court as follows:

We, the Jury find the defendant, ARTEMIO GONZALO LOPEZ, Guilty of the offense of Attempted Capital Murder, as charged in the indictment.

/S/ DINO SMITH

Presiding Juror

Thereupon, the Defendant having previously elected to have the punishment assessed by the jury, pleaded to the enhancement paragraphs, if any, as stated above, and the jury was called back into the box and heard evidence related to the question of punishment. Thereafter, the jury retired to consider such question and, after having deliberated, the jury was brought back into open court by the proper officer, the Defendant, the Defendant's attorney, and the State's attorney being present, and being asked if the jury had agreed upon a verdict, the jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the Minutes of the Court as follows:

We, the Jury, having found the defendant guilty of Attempted Capital Murder, do further find beyond a reasonable doubt that the allegations in Enhancement Paragraph One are "True"; We, the Jury, assess h is punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for LIFE and, we, the Jury further assess a fine of \$10,000.

/S/ DINO SMITH

Presiding Juror

A presentence investigation report was done according to Article 42.12, sec. 9, CCP.

And thereupon the Court asked the Defendant whether the Defendant had anything to say why said sentence should not be pronounced upon said Defendant, and the Defendant answered nothing in bar thereof. Whereupon the Court proceeded to pronounce sentence upon said Defendant as stated above.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the defendant is guilty of the offense stated above, the punishment is fixed as stated above, and the State of Texas do have and recover of said defendant all court costs in this prosecution expended, for which execution will issue.

It is ORDERED by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of this county and be safely conveyed and delivered to the **Director, Institutional Division-TDCJ**, there to be confined in the manner and for the period aforesaid, and the said defendant is hereby remanded to the custody of the Sheriff of this county until such time as the Sheriff can obey the directions of this sentence.

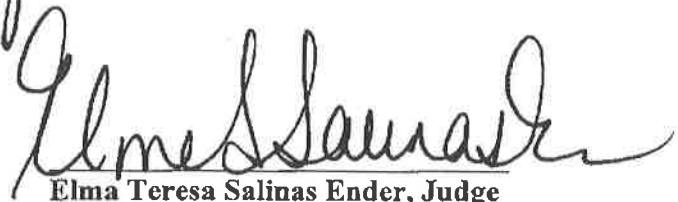
The defendant is given credit as stated above on this sentence for the time spent in county jail. The Defendant also is ordered to pay restitution to the person(s) named above in the amount specified above

Furthermore, the following special findings or orders apply:

Pursuant to article 42.12, Section 3g, Code of Criminal Procedure & HB156 (77R) the court affirmatively finds that the Defendant used or exhibit a deadly weapon, namely, firearm, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited.

The court orders that the sentence in this conviction shall run consecutively with case No. CR-2377-05-A in the 92th District Court of Hidalgo County, Texas.

Signed on the 7th day of January, 2007



Elma Teresa Salinas Ender, Judge
341st Judicial District Court
Webb County, Texas

A True copy of the original, I certify,
the 20th day of May, 2009
MANUEL GUTIERREZ
Clerk of the District Courts and
County Court at Law, Webb County, Texas
By: Manuel Gutierrez Deputy



Cause No. 2006CR0459-13

The State of Texas

§

In the District Court

§

341st Judicial District

§

Webb County, Texas

vs. Arturo Gonzalo Lopez

EXHIBIT "A"

(To Judgment in Above Styled and Numbered Cause)

I am the Defendant in the above and described cause. My fingerprints were taken by the Bailiff and/or Sergeant at Arms in the presence of the Deputy District Clerk.

Arturo G. Lopez
DEFENDANT - ACUSADO

I hereby certify that in accordance with Art. 38.22 of the Texas Code of Criminal Procedure that I caused the Defendant, _____, to place his/her fingerprints in the space provided below.

[Signature] 3115
Bailiff and/or Sergeant at Arms

SWORN AND SUBSCRIBED BEFORE ME, _____, came on the _____ day the Defendant, _____, in this cause. I further certify that the fingerprints of the Defendant were taken by the Bailiff and/or Sergeant at Arms in my presence.

[Signature]
Deputy District Clerk
Webb County, Texas

RIGHT HAND - MANO DERECHA



THUMB INDEX
LEFT HAND - MANO IZQUIERDA

MIDDLE RING LITTLE



THUMB INDEX MIDDLE RING LITTLE